**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5603 OF 2007**

Jamaluddin Riyauddin Sheikh .... Petitioner
& Ors.
Vs.

Mrs. Mumtaz Suleman Khan .... Respondent

Mr. M.M. Vashi i/b Mr. M.P. Vashi for the Petitioners
Mr. P.S. Dani for the Respondent Nos. 1 and 2.

**CORAM : A.P. DESHPANDE, J.**
**DATE : 17TH OCTOBER, 2007**

P.C.

1) The present petitioners have been brought on record as legal representatives of the deceased-plaintiff on accont of the death of the original plaintiff. The present respondent Nos. 1 and 2 though admittedly the daughters of the deceased-landlady were not joined as legal representatives in the application moved by the Petitioners who are the sons. Hence, the daughters have moved a separate application with a prayer to bring them on record as legal representatives of the deceased-plaintiff. The Trial Court has allowed the said application.

2) The case of the petitioners is that after

the family arrangement, the respondents have relinquished their rights to the property. The Trial Court has rightly observed that the said issue cannot be gone into in the present suit. The legal representatives who are brought on record under Order 22, Rule 3 of C.P.C. are only for the purpose of representing the estate of the deceased.

3) Perused the order. The same does not suffer from any illegality, hence Writ Petition is summarily rejected.

**(A.P. DESHPANDE, J.)**